

CABINET

15 SEPTEMBER 2010

NATIONAL AND LOCAL STANDARDS FOR SOCIAL HOUSING

REPORT OF HEAD OF LANDLORD SERVICES

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RECENT REFERENCES:

None

EXECUTIVE SUMMARY:

The Tenant Services Authority is responsible for regulating all social housing providers, including local authorities with effect from April 2010. They have recently published new national standards for all landlords to work towards and have required all providers to negotiate new local standards or "local offers" with their residents by April 2011.

All providers are required to publish an annual report to tenants by 1 October 2010 setting out performance in line with national standards and how they intend to agree new "local offers" with tenants. This report sets out the new national standards and proposes actions for agreeing new local standards with tenants.

RECOMMENDATIONS:

- 1 That Cabinet approves the proposals set out in the report for agreeing new local standards with tenants by April 2011.
- 2 That Cabinet approve proposals for undertaking a "Status" Tenant Satisfaction survey at an estimated cost of £10,000, later this year.
- 3 That the Head of Landlord Services be authorised to prepare and publish the Annual Report for 2009/10 in consultation with the Portfolio Holder for Communities.

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### NATIONAL AND LOCAL STANDARDS FOR SOCIAL HOUSING

#### REPORT OF HEAD OF LANDLORD SERVICES

##### DETAIL:

#### 1 Introduction

- 1.1 The Tenant Services Authority (TSA) assumed responsibility for the regulation of all social housing providers, including local authorities with effect from April 2010. The future of the TSA and the regulation of social housing are under review by the Government, although expectations on providers in relation to meeting standards, negotiating “local offers” with tenants and publishing annual reports remain.
- 1.2 The TSA has recently published new national standards for all landlords to work towards and have required all providers to negotiate new local standards or “local offers” with their residents by April 2011.
- 1.3 All providers are required to publish an annual report to tenants by 1 October 2010 setting out performance in line with national standards and how they intend to agree new “local offers” with tenants and this report sets out proposals for the City Council to comply with this duty.

#### 2 Approach to Regulation

- 2.1 The TSA is seeking to develop a process of “Co-regulation” –robust self-regulation by the boards and councillors who govern the delivery of housing services, incorporating effective tenant involvement, subject to a ‘backbone’ of regulation by the TSA. They expect providers to engage meaningfully with tenants and offer them opportunities to agree how service delivery against the TSA standards can be tailored to reflect local priorities.
- 2.2 In reality, this approach is similar to the previous obligations on providers. The TSA is seeking to reduce the emphasis on prescriptive “good practice” guides and is encouraging all landlords to agree new local standards based on what tenants really want from their landlord. The City Council has developed all service standards in conjunction with tenant representatives and based on a wealth of detailed information on tenant priorities obtained through detailed satisfaction surveys, the Housing Options review and ongoing discussions with resident groups and tenant forums.
- 2.3 The TSA is seeking to reduce the emphasis on inspections. Landlords compliance with national standards will be assessed through statistical returns and annual reports. Poor performance highlighted through this or through

tenant complaints followed up with landlords although they claim landlords will have the opportunity to address issues themselves before being subjected to inspection. In saying that, “short notice inspections” are still a tool the TSA intend to use and so it remains to be seen how these will be targeted.

### 3 The New National Standards

3.1 Details of the expectations on providers in respect of the National Standards is provided in Appendix1. A summary is shown in the table below:

<b>Standard</b>	<b>Containing requirements relating to the following areas</b>
1. Tenant involvement and empowerment	<ul style="list-style-type: none"> <li>• Customer service, choice and complaints</li> <li>• Involvement and empowerment</li> <li>• Understanding and responding to diverse needs of tenants</li> </ul>
2. Home	<ul style="list-style-type: none"> <li>• Quality of accommodation</li> <li>• Repairs and maintenance</li> </ul>
3. Tenancy	<ul style="list-style-type: none"> <li>• Allocations</li> <li>• Rent</li> <li>• Tenure</li> </ul>
4. Neighbourhood and community	<ul style="list-style-type: none"> <li>• Neighbourhood management</li> <li>• Local area co-operation</li> <li>• Anti-social behaviour</li> </ul>
5. Value for money	<ul style="list-style-type: none"> <li>• Value for money</li> </ul>

### 4 Agreeing New “Local Offers”

4.1 As stated above, all landlords now have a duty to agree new “local service offers” with tenants based on these new national standards and must publish new local offers by April 2011. Landlords have to agree with their tenants what is meant by “local” and the TSA expect this will be different from one area to another. The City Council currently provide a consistent service to all general needs tenants and some additional services, at a cost, to supported tenants. It is suggested that different service levels from one estate to another may be appropriate in some circumstances, particularly for providers with stock across a wide geographical area and the appropriateness of this for Winchester will need to be considered.

4.2 The Council already has a comprehensive set of local standards agreed with tenants as published in the Tenants Handbook. It is intended to use these as a reasonable starting point. Proposals for agreeing new standards will include:

- a) Publishing existing standards in the Annual Report in October
- b) Updating information on tenant priorities through the satisfaction survey planned for October this year

- c) Meeting with TACT and resident groups where they exist to review priorities and agree whether existing standards are reasonable
  - d) Publish new local standards in March 2011.
- 4.3 Whilst the Council has a comprehensive approach to tenant consultation and involvement, current formal structures are not sufficiently representative to determine priorities for all areas of the district. It was therefore intended to use the compulsory bi-annual "Status" Tenant Satisfaction survey to update our information on tenant priorities rather than arrange a series of area meetings which few tenants attend anyway.
- 4.4 However, the Government have recently removed the duty to complete such a survey, saying it is for councils to determine the most appropriate methods of monitoring tenant satisfaction.
- 4.5 The survey has always been very useful for the Council and has been used to inform business plans for some years. The last two surveys have both achieved 60% response rates and provided detailed information on views on a wide range of issues broken down to estate levels.
- 4.6 The cost of undertaking the survey and analysing the results is estimated at £10,000 and specific provision has already been included in the HRA budget. Whilst the formal duty to complete the survey has been removed, it is recommended that it should go ahead rather than rely on 2008 information (the last time it was completed).
- 4.7 It is possible to meet this obligation at less cost through limiting consultation to discussions with existing groups, a simpler, shorter on line survey and relying on historic data from previous surveys. This approach will generate far fewer responses and could be subject to challenge. However, it could be argued that we already have good information and a well developed set of standards which are unlikely to change significantly.
- 5 The Annual Report
- 5.1 To comply with the duty to produce an annual report, it is intended to utilise the October edition of "On the House" to publish a review of progress in 2009/10 and performance statistics against each of the new national standards, focussing as much as possible on outcomes for tenants.
- 5.2 It is also intended to publish existing local standards and set out how we intend to consult with tenants on their review (stressing the importance of the satisfaction survey if this is approved).
- 5.3 The final format of the annual report is still being prepared. The final version will be uploaded to the Council website by 1 October to meet the duty to have the report available by that date. It will be sent to all tenants as part of "On the House" later in the month.

- 5.4 The TSA expect tenants to be directly involved in the drafting of an annual report. TACT have seen early drafts and made some recommendation for changes. They will be involved in the later stages through their “Newsletter Working Party” and the “Readers Panel”. Whilst ideally the TSA would like to see tenants involved at an earlier stage, this has not been possible this year, as this duty was announced only recently. Virtually no guidance has been produced on what an annual report should look like (other than a few bullet points). Therefore a minimal approach aimed at complying with the few documented requirements has been adopted due to limited resources.
- 5.5 It is recommended that the Head of Landlord Services agree the final version of the Annual Report in consultation with the Portfolio Holder for Communities.
- 6 Conclusions
- 6.1 The City Council is reasonably well placed to respond to the new regulatory arrangements and already have well developed standards that relate reasonably well to the new national standards. It will be necessary to review the effectiveness of current tenant involvement arrangements, which do rely heavily on traditional formal representation structures. Work on this is well developed. The wider tenant community is regularly consulted on key issues such as changes to tenancy conditions and proposals to complete the more detailed Status survey do ensure that detailed representative information is available. However, this does require further review and additional changes to existing decision making processes may be brought forward in the next year.

#### OTHER CONSIDERATIONS:

- 6 SUSTAINABLE COMMUNITY STRATEGY AND CORPORATE BUSINESS PLAN (RELEVANCE TO):
- 7 The proposals accord with the principles of making the best use of all available resources, providing the highest standards of service to all our customers and promoting equality and diversity in all we do.
- 8 RESOURCE IMPLICATIONS:
- 9 As detailed in the body of the report.
- 10 RISK MANAGEMENT
- 10.1 The proposed format of the Annual Report is considered reasonable to meet the new duties placed on the Council by the TSA. The report will be assessed and the TSA will comment if they consider proposals to be inadequate.

11 TACT COMMENT:

- 11.1 The TACT Chairs are pleased to note that many of the TSA standards in this report have been standards that Winchester City Council implemented long before the TSA came up with them.
- 11.2 TACT has always had a very good working relationship with the Council, and has been fully involved in all housing related matters, and it would be true to say only inadequate funding has prevented us from always agreeing on decisions that have had to be made. And this was often due to the Government at the time.
- 11.3 Our main concern regarding the TSA at this moment in time, is will the Coalition Government do away with it, this certainly seems to be the case, despite protests from around the country. So much is up in the air regarding the new Government, awaiting decisions that it is not an easy time for councils, Winchester being no different from all the others, so much uncertainty and lack of information while reviews of reviews go on.
- 11.4 TACT as always will work closely with the Council doing the best we can for our tenants. We trust the new Government will do likewise, and work with councils allowing them the opportunity for council homes to flourish once more; providing the affordable council homes needed and being able to implement the TSA standards knowing council homes have a long term future ahead of them.

BACKGROUND DOCUMENTS:

Working papers held in the Landlord Services Division

APPENDICES:

Summary of the National Standards for Social Housing in England

## **The national standards for social housing in England**

### **The six standards that apply from April 2010**

Here you will find details of the six standards that social housing providers have to meet from April 2010. Against each, we have described the outcomes landlords should achieve and our specific expectations of them.

These standards are part of our regulatory framework, which we have developed in collaboration with tenants, local authorities, housing associations and our many other partners. The standards have been designed to help improve the services provided for the eight million people who live in social housing in England.

## **TENANT INVOLVEMENT AND EMPOWERMENT STANDARD**

### **Required outcomes**

#### **Customer service, choice and complaints**

Registered providers shall:

- provide choices, information and communication that is appropriate to the diverse needs of their tenants in the delivery of all standards
- have an approach to complaints that is clear, simple and accessible that ensures that complaints are resolved promptly, politely and fairly

#### **Involvement and empowerment**

Registered providers shall support co-regulation with their tenants by:

- offering all tenants a wide range of opportunities to be involved in the management of their housing, including the ability to influence strategic priorities, the formulation of housing-related policies and the delivery of housing-related services
- consulting with their tenants and acting reasonably in providing them with opportunities to agree local offers for service delivery
- providing tenants with a range of opportunities to influence how providers meet all the TSA's standards and to scrutinise their performance against all standards and in the development of the annual report
- providing support to tenants to build their capacity to be more effectively involved

#### **Understanding and responding to the diverse needs of tenants**

Registered providers shall:

- treat all tenants with fairness and respect
- demonstrate that they understand the different needs of their tenants, including in relation to the seven equality strands and tenants with additional support needs

Registered providers shall set out in an annual report for tenants how they are meeting these obligations and how they intend to meet them in the future. The provider shall then meet the commitments it has made to its tenants. Registered providers shall take the obligations of the Tenant Involvement and Empowerment Standard into account in setting out how they are meeting and intend to meet all the other TSA standards.

## **Specific expectations**

### **Customer service, choice and complaints**

Registered providers shall provide tenants with accessible, relevant and timely information about:

- how tenants can access services
- the standards of housing services their tenants can expect
- how they are performing against those standards
- the service choices available to tenants, including any additional costs that are relevant to specific choices
- progress of any repairs work
- how tenants can communicate with them and provide feedback
- the responsibilities of the tenant and provider
- arrangements for tenant involvement and scrutiny

Providers shall offer a range of ways for tenants to express a complaint and set out clear service standards for responding to complaints, including complaints about performance against the standards, and details of what to do if they are unhappy with the outcome of a complaint. Providers shall inform tenants how they use complaints to improve their services. Registered providers shall publish information about complaints each year, including their number and nature, and the outcome of the complaints. Providers shall accept complaints made by advocates authorised to act on a tenant's/tenants' behalf.

## **Specific expectations**

### **Involvement and empowerment**

Registered providers shall consult with the tenants on the desirability and scope of local offers in relation to services to meet the following TSA standards: Tenant Involvement and Empowerment, Home and Neighbourhood and Community. In providing opportunities for tenants to agree local offers by no later than 1 April 2011 they shall offer commitments on:

- local standards for performance
- how performance will be monitored, reported to and scrutinised by tenants
- what happens if local offers are not met (including procedures of redress)
- arrangements for reviewing the local offers on a periodic basis

Registered providers shall enable tenants' opportunities to scrutinise the effectiveness of their policies in relation to tenant involvement.

Registered providers shall inform tenants about the results of their consultations on issues related to the standards.

Registered providers shall consult with their tenants, setting out clearly the costs and benefits of relevant options, if they are proposing to change their landlord or when proposing a significant change in their management arrangements.

Registered providers shall consult tenants at least once every three years on the best way of involving tenants in the governance and scrutiny of the organisation's housing management service. They shall ensure that any changes to tenant involvement in governance and scrutiny leads to an enhancement of the overall effectiveness of their approach.



## **Specific expectations**

### **Understanding and responding to diverse needs**

Registered providers shall demonstrate how they respond to tenants' needs in the way they provide services and communicate with tenants.

## **HOME STANDARD**

### **Required outcomes**

#### **Quality of accommodation**

Registered providers shall:

- ensure that tenants' homes meet the standard set out in section 5 of the Government's Decent Homes Guidance by 31 December 2010 and continue to maintain their homes to at least this standard after this date
- meet the standards of design and quality that applied when the home was built, and were required as a condition of publicly funded financial assistance, if these standards are higher than the Decent Homes Standard
- in agreeing a local offer, ensure that it is set at a level not less than these standards and have regard to section 6 of the Government's Decent Homes Guidance

#### **Repairs and maintenance**

Registered providers shall:

- provide a cost-effective repairs and maintenance service to homes and communal areas that responds to the needs of, and offers choices to, tenants, and has the objective of completing repairs and improvements right first time
- meet all applicable statutory requirements that provide for the health and safety of the occupants in their homes

Registered providers shall set out in an annual report for tenants how they are meeting these obligations and how they intend to meet them in the future. The provider shall then meet the commitments it has made to its tenants.

## **Specific expectations**

### **Quality of accommodation**

The TSA may agree with a registered provider an extension to the 31 December 2010 date where this is reasonable. Providers shall ensure their tenants are aware of the reasons for any extension given.

## **Specific expectations**

### **Repairs and maintenance**

Registered providers shall ensure a prudent, planned approach to repairs and maintenance of homes and communal areas. This should demonstrate an appropriate balance of planned and responsive repairs, and value for money. The approach should include: responsive and cyclical repairs, planned and capital work, work on empty properties, and adaptations.

Registered providers shall co-operate with relevant organisations to provide an adaptations service that meets tenants' needs.

## TENANCY STANDARD

Required outcomes

Allocations

**Registered providers shall let their homes in a fair, transparent and efficient way. They shall take into account the housing needs and aspirations of tenants and potential tenants. They shall demonstrate how they:**

- **make the best use of available housing**
- **are compatible with the purpose of the housing**
- **contribute to local authorities' strategic housing function and sustainable communities**

There should be clear application, decision-making and appeals processes.

### Rents

Registered providers shall charge rents in accordance with the objectives and framework set out in the Government's Direction to the TSA of November 2009.

### Tenure

Registered providers shall offer and issue the most secure form of tenure compatible with the purpose of the housing and the sustainability of the community. They shall meet all applicable statutory and legal requirements in relation to the form and use of tenancy agreements.

Registered providers shall set out in an annual report for tenants how they are meeting these obligations and how they intend to meet them in the future. The provider shall then meet the commitments it has made to its tenants.

### Specific expectations

#### Allocations

Registered providers shall co-operate with local authorities' strategic housing function, and their duties to meet identified local housing needs. This includes assistance with local authorities' homelessness duties, and through meeting obligations in nominations agreements. Where, in exceptional circumstances, registered providers choose not to participate in choice-based lettings schemes in areas where they own homes, they shall publish their reasons for doing so.

Registered providers shall develop and deliver services to address under occupation and overcrowding in their homes, within the resources available to them. These services should meet the needs of their tenants, and will offer choices to them.

Registered providers shall provide tenants wishing to move with access to clear and relevant advice about their housing options. They shall participate in mobility schemes and mutual exchange schemes where these are available.

Registered providers' published policies shall include how they have made use of common housing registers, common allocations policies and local letting policies. Registered providers shall clearly set out, and be able to give reasons for, the criteria they use for

excluding actual and potential tenants from consideration for allocations, mobility or mutual exchange schemes.

Registered providers shall develop and deliver allocations processes in a way which supports their effective use by the full range of actual and potential tenants, including those with support needs, those who do not speak English as a first language and others who have difficulties with written English.

Registered providers shall minimise the time that properties are empty between each letting. When doing this, they shall take into account the circumstances of the tenants who have been offered the properties.

Registered providers shall record all lettings and sales in the Continuous Recording of Lettings system.

### **Specific expectations**

#### **Rents**

Registered providers shall ensure they meet the following requirements, which derive from the Government's Direction to the TSA of November 2009 and published within Directions to the TSA – Summary of Responses and Government Response, November 2009, CLG.

Subject to paragraph 2.3, registered providers shall set rents with a view to achieving the following as far as possible:

- rents conform with the pattern produced by the rent formula set out in rent influencing regime guidance ('target rents') with a five per cent tolerance in individual rents (ten per cent for supported and sheltered housing) ('rent flexibility level') but subject to the maximum rent levels specified in that guidance ('rent caps')
- weekly rent for accommodation increases each year by an amount which is no more than  $RPI + 0.5\% + £2$  until it reaches the upper limit of the rent flexibility level or the rent cap, whichever is lower
- weekly rent for accommodation that has reached or is above the upper limit of the rent flexibility increases each year by an amount that is no more than the increase to the target rents
- rent caps increase annually by  $RPI + one\ per\ cent$
- target rents increase annually by  $RPI + 0.5\%$

Where the application of the Rent Standard would cause registered providers to be unable to meet other standards, particularly in respect of financial viability including the risk that a reduction in overall rental income causes them to risk failing to meet existing commitments such as banking or other lending covenants, the TSA may allow extensions to the period over which the requirements of the Rent Standard are met.

Registered providers shall provide clear information to tenants that explains how their rent and any service charge is set, and how it is changed, including reference to the RPI benchmark to which annual changes to rents should be linked (except where rents are controlled under different legislation).

## **Specific expectations**

### **Tenure**

Registered providers shall publish clear and accessible policies which outline their approach to tenancy management. They shall develop and provide services that will support tenants to maintain their tenancy and prevent unnecessary evictions. The approach should set out how registered providers will make sure that the home continues to be occupied by the tenant they let the home to.

## **NEIGHBOURHOOD AND COMMUNITY STANDARD**

### **Required outcomes**

#### **Neighbourhood management**

Registered providers shall keep the neighbourhood and communal areas associated with the homes that they own clean and safe. They shall work in partnership with their tenants and other providers and public bodies where it is effective to do so.

#### **Local area co-operation**

Registered providers shall co-operate with relevant partners to help promote social, environmental and economic well being in the areas where they own properties.

#### **Anti-social behaviour**

Registered providers shall work in partnership with other public agencies to prevent and tackle anti-social behaviour in the neighbourhoods where they own homes.

Registered providers shall set out in an annual report for tenants how they are meeting these obligations and how they intend to meet them in the future. The provider shall then meet the commitments it has made to its tenants.

## **Specific expectations**

### **Neighbourhood management**

Registered providers shall consult with tenants in developing a published policy for maintaining and improving the neighbourhoods associated with their homes. This applies where the registered provider has a responsibility (either exclusively or in part) for the condition of that neighbourhood. The policy shall include any communal areas associated with the registered provider's homes.

## **Specific expectations**

### **Local area co-operation**

Registered providers, having taken account of their presence and impact within the areas where they own properties, shall:

- identify and publish the roles they are able to play within the areas where they have properties
- co-operate with Local Strategic Partnerships and strategic housing functions of local authorities where they are able to assist them in achieving their objectives

## **Specific expectations**

### **Anti-social behaviour**

Registered providers shall publish a policy on how they work with relevant partners to prevent and tackle anti-social behaviour (ASB) in areas where they own properties.

In their work to prevent and address ASB, registered providers shall demonstrate:

- that tenants are made aware of their responsibilities and rights in relation to ASB
- strong leadership, commitment and accountability on preventing and tackling ASB that reflects a shared understanding of responsibilities with other local agencies
- a strong focus exists on preventative measures tailored towards the needs of tenants and their families
- prompt, appropriate and decisive action is taken to deal with ASB before it escalates, which focuses on resolving the problem having regard to the full range of tools and legal powers available
- all tenants and residents can easily report ASB, are kept informed about the status of their case where responsibility rests with the organisation and are appropriately signposted where it does not
- provision of support to victims and witnesses

## **VALUE FOR MONEY STANDARD**

Required outcomes

### **Value for money**

In meeting all TSA standards, including their local offers, registered providers shall have a comprehensive approach to managing their resources to provide cost-effective, efficient, quality services and homes to meet tenants' and potential tenants' needs.

Registered providers shall set out in an annual report for tenants how they are meeting these obligations and how they intend to meet them in the future. The provider shall then meet the commitments it has made to its tenants.

## **Specific expectations**

### **Value for money**

Registered providers shall demonstrate to their tenants:

- how expenditure has been prioritised in relation to each of the standards and in the delivery of local offers, and in meeting other needs such as investment in new social housing provision
- how they have ensured value for money has been secured and tested
- plans and priorities for delivery of further value for money improvements

Registered providers shall have arrangements for tenants to influence the services delivered and the cost of those services that result in service charges to tenants.